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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined fifth and sixth periodic reports of Burundi

General context

1. The State party has been facing challenging times marked by political and security instability. The crisis has had a serious impact on its population, in particular women, who have been facing increased levels of violence and discrimination. In line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, please provide information on measures taken and mechanisms in place to address the negative impact of the conflict on the lives of women and girls, to protect them from violence and to ensure that the entrenched discrimination against them is not further exacerbated throughout the territory of the State party. Please describe the strategy implemented by the State party to protect women's human rights at all times, including advancing substantive gender equality during conflict and ensuring the meaningful participation of women in all peacebuilding and peacemaking processes.

Legislative framework

2. The State party indicates in its combined fifth and sixth periodic reports (CEDAW/C/BDI/5-6) that it revised the Criminal Code in 2009 (Law No. 1/05 of 22 April 2009), as part of which it removed discriminatory clauses and increased the penalties for violence against women (paras. 49 and 137).[1] Please elaborate on the content of the revisions. The State party also indicates that there is a bill on the

Note: The present document is being issued in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined fifth and sixth periodic reports of the State party.

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prevention and punishment of gender-based violence (para. 49). Please indicate the content of the bill and the expected timeline for its adoption into law.

Access to justice

3. Please provide information on how the State party ensures the effective access of women to justice and upholds their right to a fair trial. Please indicate measures in place to ensure that women have access to legal aid and legal representation in court proceedings. Please provide age-disaggregated data on the number of women who are detained and indicate the grounds for their detention.

4. Information before the Committee indicates that, since the onset of the crisis, women have been subjected to acts of ill-treatment while in detention. Please provide details of the mechanism to monitor the situation of women in places of detention and to deal with complaints of ill-treatment, in addition to the outcomes of its investigations into such complaints.

National machinery for the advancement of women

5. Given the increasing withdrawal of foreign aid owing to the crisis, please provide updated information on the human, technical and financial resources allocated to implement the national gender policy (para. 34). Please provide details on the outcome of the evaluation of the effectiveness of the policy (para. 45). Please provide information on the strategy for the collection of gender-disaggregated data.

Temporary special measures

6. The State party describes a guide to gender mainstreaming in the national programme for public administration reform as a special measure adopted by the Government with the stated objective of accelerating the achievement of substantive equality between men and women, especially in education, the judicial system and decision-making (para. 47). Please elaborate on the planned outcomes of the programme, the mechanism responsible for coordinating and monitoring its implementation and the human, technical and financial resources allocated to ensure the achievement of its goals.

Stereotypes and harmful practices

7. Please provide an update on progress made in implementing the Committee's previous recommendation to eliminate harmful practices and stereotypes that discriminate against women (see CEDAW/C/BDI/CO/4, para. 18), including the outcome of measures taken in that regard.

Violence against women

8. Please indicate whether the implementation of the national strategy on gender-based violence and its plan of action has been evaluated (para. 137). Please state the number of registered cases of violence against women, investigations, prosecutions and the nature of the punishments imposed on the perpetrators. Please also describe measures taken to raise awareness among women of criminal provisions on sexual violence and to encourage them to opt for formal criminal prosecution rather than out-of-court settlements.

9. The Committee has been informed of 13 documented cases of sexual violence against women that occurred during the search-and-arrest operations following the Bujumbura attacks of 11 December 2015. It is reported that the pattern was similar in all cases: the security forces allegedly entered the victims' houses, separated the women from their families and raped — in some cases gang-raped — them. Please indicate whether the State party has conducted thorough and independent investigations into those serious violations in order to hold the perpetrators to account and, if it has, provide the outcomes thereof.

Trafficking and exploitation of prostitution

10. It is stated that the act of prostitution is included in the section of the Criminal Code on offences against public morals and that the exploitation of prostitution is a criminal offence (paras. 55 and 57). Please clarify the legal framework relating to women in prostitution and, specifically, whether it penalizes women in prostitution. Please inform the Committee of progress made towards implementing its previous recommendation to amend the Criminal Code to ensure that prostitutes under 18 years of age and those who are victims of trafficking are not punished but can benefit from protection measures (see CEDAW/C/BDI/CO/4, para. 28). Please describe measures in place to guarantee that the method of the medical examination, as required by law, to determine the age of a victim of sexual exploitation is conducted in a child-friendly and gender-sensitive manner (para. 63).

11. In the light of the crisis, please indicate the strategy in place to effectively prevent and protect women and girls, including those internally displaced, from being trafficked inside or outside the territory of the State party for the purposes of exploitation by State and non-State actors. Please provide information on steps taken to investigate, prosecute and punish perpetrators of trafficking in women and girls and to provide reparations for victims.

Nationality

12. The State party indicates that, in line with the Committee's previous recommendation (see CEDAW/C/BDI/CO/4, para. 30), it intends to revise the Nationality Code at the same time as the Persons and Family Code and the bill on inheritance, matrimonial property and gifts (para. 74). Please provide the timeline for the adoption of those legislative amendments.

Education

13. Notwithstanding the abolishment of school fees in the State party, the level of expenses is high, prompting families to send boys rather than girls to school. Please provide information on measures taken to reverse that trend and ensure the enrolment and retention of girls. Reports before the Committee indicate that girls run a high risk of being sexually assaulted on their way to or from and in school. In that context, please provide information on the collection of data on sexual violence against girls, the development of legal and institutional responses to combat sexual violence in school and while travelling to and from school and the establishment and coordination of structures assisting survivors of sexual violence.

14. The State party reports that it has adopted a measure permitting girls to return to school after childbirth (paras. 49 and 75). Please provide details on the measure and indicate how widespread its application is and its impact on improving the

retention and completion rates of girls in school. Please also state whether the State party intends to develop a national strategy to ensure nutrition in schools, in particular in regions affected by food insecurity. The State party reports that it decided to merge the six years of primary education with the first three years of secondary education into one nine-year block as of the 2013/14 school year and states its assumption that that could correct the secondary school trend, because by the end of the ninth grade girls will have internalized the benefits of education (para. 78). Please clarify that statement.

Employment

15. The State party indicates its intention to align the Labour Code with the Convention (para. 31), in particular with regard to conferring paid maternity leave and benefits, as previously recommended by the Committee (see CEDAW/C/BDI/CO/4, para. 34). Please indicate the time frame for the adoption of the legislative amendment, including the establishment of an enforcement mechanism. Please provide an update on progress made regarding the adoption of a gender-sensitive employment policy with regard to women in the informal sectors of the economy, pursuant to the Committee's previous recommendation (see ibid.).

16. Information before the Committee indicates that many children are engaged in labour, including in agriculture, and in the worst forms of child labour, including in commercial sexual exploitation, the majority of whom are girls. Please provide data disaggregated by sex and age in that regard. Please inform the Committee of any strategy by the State party to combat the phenomenon, including whether it intends to enact legislation or develop a national policy to abolish child labour and progressively increase the minimum age of employability.

Health

17. The Committee has been informed that the free health-care scheme for young children and mothers has been suspended as a result of the halving of the budget of the Ministry of Health in view of the overall austerity measures implemented by the Government. In that context, please describe how the State party intends to minimize the disruption to the delivery of essential health services, in particular sexual and reproductive health services, given the especially high rates of maternal and infant mortality. Please indicate the strategy in place to reduce the very high rates of malnutrition, a problem that has been exacerbated by the crisis. In the light of the disproportionately high rate of women affected by HIV/AIDS, please describe the strategy developed to reduce the vulnerability of women and girls and to combat the stigma and discrimination faced by women and girls living with HIV.

Refugees and internally displaced women

18. The Committee has been informed that the crisis has caused some 250,000 people to seek refuge in neighbouring countries and left some 15,000 internally displaced. Please provide data on this group disaggregated by sex, age and ethnicity. In line with the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, please provide details on the living conditions of and risks, such as sexual violence, faced by refugee and internally displaced women and girls and indicate

whether they are guaranteed safe and secure environments, including access to basic health care, education, clean water and sanitation.

Rural women

19. Given that most of the population is involved in subsistence farming and the large majority of farmers are women, please indicate how the critical contribution of women to food security is protected, especially in the light of the limited availability of productive land. Please provide information on whether a gender dimension has been integrated into the national agricultural plan and policies. Please also provide updated information on the situation of rural women, especially those living in conflict-affected areas, and the measures in place to ensure that women and girls have access to basic services such as education and health care. The Committee has received reports that women face particular difficulty in gaining access to loans because they do not meet bank requirements and because they have low access to agricultural inputs such as land. Please indicate measures taken to prohibit the application of discriminatory criteria by financial lending institutions and to promote women's access to land ownership.

Disadvantaged groups of women

20. Please describe the progress made in implementing the previous recommendation of the Committee to develop poverty reduction strategies integrating a gender perspective and taking into account the specific needs of older women (see CEDAW/C/BDI/CO/4, para. 40). In the light of the crisis, please provide information on the situation of women who are in an especially vulnerable situation, in particular women belonging to specific ethnic groups, widows, women whose husbands are missing, women with disabilities and single and older women who have lost their families.

Family relations

21. In its previous concluding observations, the Committee recommended that the State party should adopt a uniform family code ensuring de jure and de facto equality for women with regard to inheritance, matrimonial regimes and gifts, and ensure its effective implementation, especially in rural areas (CEDAW/C/BDI/CO/4, para. 14). Please provide the Committee with the outcome of the study conducted on the impact on men, women and the community of a lack of any law regulating inheritance, marital property and gifts (para. 133). Furthermore, the State party reports that an amendment to the Persons and Family Code and a bill on inheritance, matrimonial property and gifts are being drafted (para. 133). Please provide the Committee with a time frame for the adoption of the legislation.

Optional Protocol and amendment to article 20 (1) of the Convention

22. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention.